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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,873

03/31/2004

John Patrick Costello

19961

5578

23556 7590 10/14/2010
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EXAMINER

OSELE, MARK A

ART UNIT

PAPER NUMBER

1745

MAIL DATE

DELIVERY MODE

10/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,873	Applicant(s) COSTELLO ET AL.	
	Examiner Mark A. Osele	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21, 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-17, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 2000-000266 (Masaru) in view of Travers et al. (U.S. Patent 6,129,264), Clinton (U.S. Publication 2004/0231539) or Feesler (U.S. Patent 6,343,550), Yeo (U.S. Patent 5,503,076), Machida et al. (U.S. Patent 6,732,778), and Olson et al. (U.S. Patent 6,297,424). Masaru teaches, a method of printing a moving substrate comprising: supplying a moving substrate to a first converting operation; printing at least one first graphic on the moving substrate; supplying the moving substrate with the first graphic to a second converting operation; and ink jet printing at least one second graphic on the moving substrate (See Figs. 5-6; Machine Translation paragraphs 0011, 0016, 0017, 0018, 0040). Masaru further teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover of the articles, and the moving substrate forms a bodyside liner or an absorbent of the articles.

Masaru fails to objectively teach contact printing utilizing a gravure printer, flexographic printer, offset printer, or screen printer followed by non-contact printing

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utilizing a wax jet printer, ink jet printer, laser jet printer, or bubble jet printer. Travers et al. teaches contact printing a first graphic on a moving web followed by non-contact printing a second graphic on the moving web. (Column 1, lines 32-34; Column 3, lines 4-14; Column 7, lines 10-37). Clinton teaches that flexographic printing is cheaper than other leading printing techniques and Feesler teaches that flexographic printing is advantageous in that it can print on a wide range of absorbent substrates, uses fast-drying inks, and can print millions of impressions. It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by non-contact printing in the method of Masaru because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made (column 3, lines 4-14, Column 7, lines 10-37) while Clinton and Feesler teach that flexographic printing has advantageous over other printing methods.

Yeo also shows making a laminated absorbent garment including printing wherein the substrate is a laminate comprising a film layer (column 10, lines 39, polyethylene film) and a nonwoven layer (column 10, lines 40-41, polypropylene spunbonded web) and the first graphic is printed on the film layer and the second graphic is printed on the nonwoven layer (column 8, lines 42-48); or wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first graphic is printed on the nonwoven layer and the second graphic is printed on the nonwoven layer (column 3, lines 33-43); or wherein the substrate is a laminate

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comprising a film layer and a nonwoven layer and the first graphic is printed on the film layer and the second graphic is printed on the film layer (figure 2, adhesive inks '16,' figure 3, and example 1, column 10, lines 39-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to print the first and second graphics of the method of the references as combined on any combination of the non-woven layer and film layer, whichever is desired by the manufacturer, distributor, or customer, because Yeo teaches that these are all functionally equivalent alternate expedients.

Machida et al. teaches that printing on a disposable absorbent article is conventionally performed in-line at a mid portion of a manufacturing line (column 1, lines 40-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to perform the second printing step of the references as combined on a manufacturing line for absorbent articles because Machida et al. teaches that this is where printing is conventionally performed. Furthermore, it would have been obvious to one of ordinary skill in the art to perform this printing operation at this stage so the printed design could be altered mid run if desired rather than having to replace a roll of preprinted web material with a different roll of preprinted web material. It is conventional to operate a disposable absorbent article manufacturing line at 100 feet per minute or greater.

The references as combined fail to show the claimed location of the graphics.

Olson et al. shows a method of making an absorbent article with printing thereon wherein the first graphic spanning at least 60% of the width of the outer cover and being visible to the naked eye, the second graphic being positioned within the center

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third of the width of the outer cover and being visible to the naked eye (Olson, figures 5 and 6, clearly indicate several graphics ('92,' '94,' '96,' and '100') which span at least 60% of the width of the outer cover and being visible to the naked eye). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the graphics of method of the references as combined in the positions shown by Olson et al. to permit better visibility of the graphic for the wearer and to improve appearance of the absorbent article.

Regarding claims 15 and 16, Olson et al. further teaches the absorbent article has a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, and the second graphic is positioned within the front waist region or the back waist region (figures 5 and 6).

Regarding claim 17, Olson et al. teaches, the absorbent article to have a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, further comprising two or more second graphics, at least one second graphic positioned within the front waist region and at least one second graphic positioned within the back waist region [figures 1-6, (the examiner notes that there are several graphics depicted within figures 1-6, it would have been obvious to one of ordinary skill in the art at the time of the invention to position the graphics on either the front waist region, back waist region, or both according to the final appearance desired, as taught by Olson), (column 7, line 48 thru column 8, line 34, particularly column 8, lines 7-17)].

Regarding claim 25, it is well known that non-contact printing can be accomplished with multiple colors. One of ordinary skill in the art would have chosen whether to print in a single color or multiple colors based upon market forces. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose multiple colors, especially for graphics meant to appeal to small children who tend to be entertained by colors.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 2000-000266 (Masaru) in view of Travers et al. (U.S. Patent 6,129,264), Clinton (U.S. Publication 2004/0231539) or Feesler (U.S. Patent 6,343,550), Odorzynski (U.S. Patent Publication 2005/0149389), and Cammarota et al. Masaru teaches, a method of printing a moving substrate comprising: supplying a moving substrate to a first converting operation; printing at least one first graphic on the moving substrate; supplying the moving substrate with the first graphic to a second converting operation; and ink jet printing at least one second graphic on the moving substrate (See Figs. 5-6; Machine Translation paragraphs 0011, 0016, 0017, 0018, 0040). Masaru further teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover of the articles, and the moving substrate forms a bodyside liner or an absorbent of the articles.

Masaru fails to objectively teach contact printing utilizing a gravure printer, flexographic printer, offset printer, or screen printer followed by non-contact printing utilizing a wax jet printer, ink jet printer, laser jet printer, or bubble jet printer. Travers et

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al. teaches contact printing a first graphic on a moving web followed by non-contact printing a second graphic on the moving web. (Column 1, lines 32-34; Column 3, lines 4-14; Column 7, lines 10-37). Clinton teaches that flexographic printing is cheaper than other leading printing techniques and Feesler teaches that flexographic printing is advantageous in that it can print on a wide range of absorbent substrates, uses fast-drying inks, and can print millions of impressions. It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by non-contact printing in the method of Masaru because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made (column 3, lines 4-14, Column 7, lines 10-37) while Clinton and Feesler teach that flexographic printing has advantageous over other printing methods.

The references as combined fail to show printing advertising on the absorbent garment.

Odorzynski teaches that advertising can be printed on absorbent garments (paragraphs 23, 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to add advertising to the absorbent garment of the references as combined because Odorzynski teaches that advertising on absorbent garments creates additional revenue (paragraphs 004-009). Furthermore, any known advertising technique, including absence advertisements, would be envisioned by one of ordinary skill in the art from the disclosure of Odorzynski which teaches a wide array of

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advertising techniques and suggest that others are possible (paragraphs 0023, 0027-0034).

Cammarota et al. shows printing a plurality of graphics, 66, 81, 85, 92, 96, 97, on a web wherein graphic 85 is overprinted on graphic 92 (column 17, lines 44-64; Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to overprint graphics of the method of the references as combined because Cammarota et al. teaches that it is sometimes desirable to print a background graphic and overprint a foreground graphic thereon.

Regarding claim 19, Odorzynski further teaches a contest as part of the advertising ((paragraphs 0030-0031).

Claim Rejections - 35 USC § 112

4. Claims 14-21 and 25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed disclosure teaches printing on absorbent articles moving at speeds of 100 feet per minute or greater, up to 1,000 feet per minute, but nowhere suggests that the printing can be accomplished on absorbent articles moving at 100 feet per second (6,000 feet per minute).

Response to Arguments

5. Applicant's arguments filed July 27, 2010 have been fully considered but they are not persuasive. Applicant first argues that as Masaru uses ink jet printing exclusively, one of ordinary skill would use only ink jet printing. Applicant is overinflating a showing to be a teaching away. No where does Masaru teach away from other printing techniques with language such as, "ink jet printing is preferred because..." or "previous printing techniques have been inadequate because..." The combination of references, in particular Clinton and Feesler, give motivation for replacing part of the ink jet printing of Masaru with contact printing.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Although Travers does not show the two printing techniques to occupy the claimed widths, Olson et al. does show the two graphics to be within the claimed widths.

Regarding the argument that Travers does not teach multiple colors in the ink jet printed graphic, the above rejection shows why one of ordinary skill in the art would use multiple colors.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A Osele/
Primary Examiner, Art Unit 1745
October 12, 2010